

**REMARKS**

The Office examined claims 1-18 and rejected same. With this paper, claims 1-5, 7, 10, 11 and 14-17 are amended, new claims 19-21 are added, and claims 6, 12, 13 and 18 are canceled. The application now includes claims 1-5, 7-11, 14-17 and 19-21. No new matter has been introduced with the amendment.

**Claim Rejections under 35 USC §102**

Claims 1-7, 9-16 and 18 are rejected under 35 USC §102(b) as being anticipated by Guscho (WO 01/48531, Guscho'531 hereinafter).

Claim 1 is amended in such a manner that the limitations originally in claim 6 are incorporated. In particular, claim 1 now recites that the device comprises "an enhancement signal supplier arranged to apply a pulsed enhancement signal voltage between said enhancement electrode structure and said second electrode structure during flattening of said surface relief in order to enhance relaxation of said first layer." New independent claim 19 has the same limitations of claim 1.

At the cited location (Abstract, pages 49-50, Figs. 22a-b), Guscho'531 teaches a light modulator cell that has a support electrode (first electrode) and a signal electrode arranged with two dielectric layers (one being a deformable gel) in between. The signal electrode in each cell of a light modulator may be made in the form of bands, concentric rings, a matrix of elements or elements of any other structure (page 49, lines 23). Fig. 22a and 22b merely illustrate such an arrangement of the signal electrode 42, which is equivalent to the one-piece signal electrode 3 illustrated in e.g. Fig. 1. Guscho'531 further discloses a stacked light modulator cell that comprises a first signal electrode 3, a first support electrode 6, a second signal electrode 47 and a second support electrode 43 (page 50, line 29 to page 51, line 5 and Fig. 23) for increasing sensitivity of the light modulator. However, the second signal electrode 47 takes the same data signal from the line bus as the first signal electrode 6. It is not an enhancement electrode as in the present invention, which has its own enhancement signal supplier arranged to apply a pulsed enhancement signal voltage.

Therefore, the present invention is not anticipated by Guscho'531.

Regarding the limitations of original claims 6 and 18, the Examiner refers to pages 47-48 of Guscho'531 for disclosing that the enhancement signal voltage is arranged to be pulsed during or after the switching off period of said cell in order to actively enhance the relaxation of the viscoelastic gel layer (page 7, first paragraph of the Detailed Action).

Pages 47-48 of Guscho'531 describe operation of a light modulator coupled to a pulsed light source. Synchronization of signal pulses  $U_{\text{elect},1}$  is discussed with reference to Fig. 21a. However, it appears that pages 47-48 discloses neither an enhancement electrode structure nor a pulsed voltage coupled to the enhancement electrode structure.

An object of the present invention is to shorten the response time required to switch the device between on state (with relief) and off state (flattened layer) (page 4, lines 9-11). This may be accomplished by flattening the relief of the viscoelastic layer by applying a pulsed enhancement voltage to the enhancement electrode structure. The pulsed enhancement voltage accelerates flattening of the relief when the device is switched off. The accelerated flattening allows the use of a softer viscoelastic material than what is possible without the pulsed enhancement voltage. The softer material, in turn, may allow faster creation of the relief when the device is switched on again. Consequently, the overall speed of the device can be increased by using the pulsed enhancement voltage.

Based on the foregoing, claim 1 is patentable and so is claim 19. Applicant respectfully requests the above rejection of claims 1-7, 9-16 and 18 under 35 USC §102(b) be reconsidered and withdrawn.

### **Claim Rejections under 35 USC §103**

Claims 8 and 17 are rejected under 35 USC §103(a) as being unpatentable over Guscho'531.

Claims 8 and 17 are patentable due to their dependency to one of the patentable claims. Applicant respectfully requests the above rejections under 35 U.S.C. §103(a) be withdrawn.

### **Double Patenting**

Claims 1-2, 4, 12-14 and 16 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-2 and 8-10 of copending application No 10/568,310 (Schorpp'310 hereinafter).

Applicant respectfully submits that the present application is filed earlier than Schorpp'310, and due to the fact that the present application is the earlier filed of the two pending applications, the double patenting rejection should be withdrawn if the provisional non-statutory obviousness-type double patenting rejection is the only rejection remaining in the earlier filed of the two pending applications.

The MPEP provides that:

If a "provisional" nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer. (MPEP804 IB1)

In the foregoing, the Applicant has traversed the rejections under 35 USC §102 and §103. Upon withdrawal of these rejections, the present application is no longer subject to the provisional non-statutory obviousness-type double patenting rejection. Withdrawal of the rejection is respectfully requested.

### **Statement of the Substance of the Interview**

A phone interview participated by the Examiner Jessica T. Stultz and the undersigned Applicant's representative was held on October 2, 2007. Claims 1-2, 4, 12-14 and 16 were discussed. Reference US 2006/0261377 was discussed. The provisional obviousness-type double patenting rejection of claims 1-2, 4, 12-14 and 16 in view of Schorpp US 2006/0261377 was discussed.

**Conclusion**

For all the foregoing reasons, it is believed that all of the claims of the application are allowable, and their passage to issue is earnestly solicited. Applicant's agent urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

Respectfully submitted,

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